

REMARKS:

Claims 1-3 and 5-20 are pending in the present application.

In the Office Action dated August 21, 2003, the Examiner rejected claims 1-3, 5, 7-11, 13-17, 19 and 20 as being anticipated by U.S. Patent No. 6,077,144 issued to Fishman, pursuant to 35 U.S.C. § 102(b). Furthermore, claims 9 and 13 were rejected as being obvious in view of the '144 Patent, pursuant to 35 U.S.C. § 103(a). In response, Applicant has amended the claims in response to the Examiner's comments and believes that entry of this Amendment will place all claims in condition for allowance.

First, the cited prior art reference, U.S. Patent No. 6,077,144, describes and claims a "Lollipop Holder with Random Display." The device includes a holder 34 (i.e., a coupling member) for retaining and receiving a lollipop stick. A spring 38 is also described, but this internal spring 38 is used, in conjunction with a post 36, to urge the holder 34 into coaxial alignment with an aperture 24. See Column 2; lines 36-38. As the Examiner recognized in the recent Office Action, the holder 34 is only "indirectly" secured to the spring 38.

Furthermore, with respect to the '144 Patent, the Examiner has maintained that a "ring" is described in the '144 Patent, namely a spring mount 42 (which is also referred to as a mounting plate in the '144 Patent). Even if this spring mount 42 is an annular member, the spring mount 42 of the '144 Patent is clearly not the type of ring contemplated by the claims of the present application, specifically "a small circular band...worn on the finger." See The American Heritage® Dictionary of the English Language, Fourth Edition (Houghton Mifflin Company 2000). In this regard, it is well-recognized that "[i]n defining the meaning of key terms in a claim, reference may be had to the specification, the prosecution history, prior art, and other claims."

Carroll Touch Inc. v. Electro Mechanical Systems, Inc., 3 F.3d 404, 409, 27 USPQ2d 1836, 1839-40 (Fed. Cir. 1993), citing Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., 976, F.2d 1559, 1566, 24 USPQ2d 1321, 1327 (Fed Cir. 1992). It is clear throughout the specification of the present application that the claimed "ring" is a band worn on a finger. The language of the claims further clarifies this definition in reciting that the ring is adapted to be worn by an individual. Nevertheless, the meaning of the term "ring" is manifest even without such a clarification. Therefore, although the spring mount 42 of the '144 Patent may be characterized as a ring to the extent it is an annular member, as an internal component, an individual can not even access the spring mount 42, much less wear it on a finger.

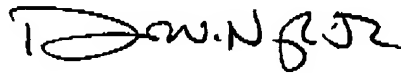
In any event, in accordance with the Examiner's recognition that the '144 Patent does not teach a construction in which a spring is secured directly to a ring, Applicant has amended independent claim 1 to clarify that the lower distal end of the spring is secured directly to the ring. Similarly, independent claim 17 has been amended to clarify that the lower distal end of the spring is secured directly to the spring base plate. Therefore, Applicant respectfully submits that claims 1-5, 5-13, and 17-20 are now in condition for allowance.

Finally, independent claim 14 recites a combination ring and object holder in which the ring has "a substantially flat upper surface and a circular lower portion oriented substantially perpendicular to said upper surface." In other words, the axis defined by the ring is perpendicular to the central axis of the spring. The '144 Patent neither describes nor suggests such a construction. Quite to the contrary, as the Examiner recognized, the spring mount 42 of the '144 Patent is a simple annular plate, and the axis defined by this annular plate is shared with the central axis of the spring. Therefore, Applicant respectfully submits that claims 14-16 are

also in condition for allowance.

In light of the foregoing amendments and remarks, Applicant respectfully requests that the Examiner enter this Amendment and issue a Notice of Allowance. Should the Examiner conclude that there are any further impediments to allowance, Applicant would appreciate the opportunity to participate in a telephonic interview with the Examiner and/or the Supervisory Examiner to discuss possible resolutions to any remaining issues and/or to clarify issues for appeal.

Respectfully submitted,



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